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1 KEKER & VAN NEST, LLP  
2 JOHN W. KEKER - #49092  
3 MICHAEL H. PAGE - #154913  
4 710 Sansome Street  
5 San Francisco, CA 94111-1704  
6 Telephone: (415) 391-5400  
7 Facsimile: (415) 397-7188

8 INTERTRUST TECHNOLOGIES CORPORATION  
9 DOUGLAS K. DERWIN - #111407  
10 MARK SCADINA - #173103  
11 JEFF MCDOW - #184727  
12 4800 Patrick Henry Drive  
13 Santa Clara, CA 95054  
14 Telephone: (408) 855-0100  
15 Facsimile: (408) 855-0144  
16 Attorneys for Plaintiff and Counter-Defendant  
17 INTERTRUST TECHNOLOGIES CORPORATION

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13  
14  
15 INTERTRUST TECHNOLOGIES  
16 CORPORATION, a Delaware corporation,

Case No. C 01-1640 SBA (MEJ)

17 Plaintiff,  
18 v.  
19 MICROSOFT CORPORATION, a  
20 Washington corporation.  
21 Defendant.

[PROPOSED] FURTHER CASE  
MANAGEMENT ORDER

22 Plaintiff's Counsel are directed to serve this  
23 order upon all other parties in this action.

24 AND COUNTER ACTION.

25 On October 31, 2002, this Court conducted a further telephonic Case Management  
26 Conference. Pursuant to that conference, the Court ORDERS:

27 SELECTION OF CLAIMS TO BE CONSTRUED

28 The following twelve claims have been selected to be the subject of a "mini-Markman"  
and "indefiniteness" hearing:

1  
[PROPOSED] FURTHER CASE MANAGEMENT ORDER  
CASE NO. C 01-1640 SBA (MEJ), CONSOLIDATED WITH C 02-0647 SBA

1 Patent No. 6,253,193 B1: Claims 1, 11, 15 & 19  
2 Patent No. 6,157,721: Claims 1 & 34  
3 Patent No. 5,917,912: Claims 8 & 35  
4 Patent No. 5,920,861: Claim 58  
5 Patent No. 5,982,891: Claim 1  
6 Patent No. 6,185,683 B1: Claim 2  
7 Patent No. 5,892,900: Claim 155

8 SCHEDULE  
9

10 The Court adopts the following schedule:

Date
11/08/02
12/20/02
1/17/03
1/31/03
2/13/03 2:30 p.m.
2/28/03
3/17/03
3/17/03
4/7/03

10  
11 Patent L.R. 4-1 exchange of proposed terms and claim elements for construction for the Twelve Selected InterTrust Patent Claims  
12  
13 Patent L.R. 4-2 exchange of preliminary claim constructions and extrinsic evidence for the Twelve Selected InterTrust Patent Claims  
14 Last day for parties to meet and confer for the purpose of preparing joint claim construction statement for the Twelve Selected InterTrust Patent Claims  
15  
16 Parties to file Patent L.R. 4-3 joint claim construction statement for the Twelve Selected InterTrust Patent Claims  
17  
18 Further Telephonic Case Management Conference (regarding format and length of Markman hearing and briefing)  
19 Completion of claim construction discovery pursuant to Patent L.R. 4-4 for the Twelve Selected InterTrust Patent Claims (other than depositions of declarants)  
20  
21 File and serve opening claim construction brief(s) pursuant to Patent L.R. 4-5(a) for the Twelve Selected InterTrust Patent Claims  
22  
23 File and serve Motion(s) for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)  
24  
25 File and serve opposition brief(s) pursuant to Patent L.R. 4-5(b) for the Twelve Selected InterTrust Patent Claims  
26  
27 File and serve Opposition to any Motion for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)  
28

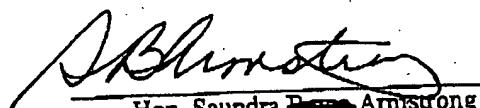
Action Taken		Date
2	File and serve reply claim construction brief(s) pursuant to Patent L.R. 4-5(c) for the Twelve Selected InterTrust Patent Claims	4/21/03
4	File and serve Reply on any Motion for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)	4/21/03
6	Patent L.R. 4-6 claim construction hearing (and, possibly, technology tutorial) for Twelve Selected InterTrust Patent Claims and Motion for Partial Summary Judgment (for one or more of the Twelve Selected InterTrust Patent Claims) on issue of indefiniteness under 35 U.S.C. § 112(2)	May 12, 29, & 30, 2003
9	Further Case Management Conference	45 days after Ruling(s)

10 OTHER MATTERS DISCUSSED

11 The Court defers consideration of the format of the Markman and/or indefiniteness  
12 hearing, and of the length and number of briefs, to the February 13, 2003 Further Case  
13 Management Conference. The parties shall address these issues in their Further Case  
14 Management Conference Statement.

15 IT IS SO ORDERED.

16 DATED: November 5, 2002

  
Hon. Saundra B. Armstrong  
United States District Judge

1 PROOF OF SERVICE

2 I am employed in the City and County of San Francisco, State of California in the office of a  
3 member of the bar of this court at whose direction the following service was made. I am over the  
4 age of eighteen years and not a party to the within action. My business address is Keker & Van  
5 Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

6 On November 7, 2002, I served the following document(s):

7 NOTICE OF ENTRY OF FURTHER CASE MANAGEMENT ORDER

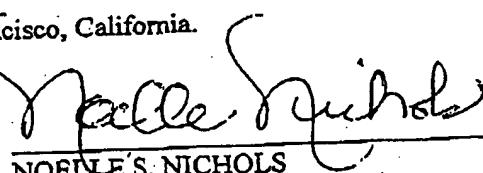
8  by FACSIMILE TRANSMISSION (IKON) AND UNITED STATES MAIL, by placing a true and  
9 correct copy with IKON Office Solutions, the firm's in-house facsimile transmission center provider, for  
10 transmission on this date. The transmission was reported as complete and without error. A true and correct  
11 copy of same was placed in a sealed envelope addressed as shown below. I am readily familiar with the  
12 practice of Keker & Van Nest, LLP for collection and processing of correspondence for mailing.  
13 According to that practice, items are deposited with the United States Postal Service at San Francisco,  
14 California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party  
15 served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one  
16 day after the date of deposit for mailing stated in this affidavit.

17 Eric L. Wessenberg, Esq.  
18 Mark R. Weinstein, Esq.  
19 Orrick Herrington & Sutcliffe  
20 1000 Marsh Road  
21 Menlo Park, CA 94025  
22 Telephone: 650/614-7400  
23 Facsimile: 650/614-7401

24 John D. Vandenberg, Esq.  
25 James E. Geringer, Esq.  
26 Kristin L. Cleveland, Esq.  
27 Klarquist Sparkman Campbell, et al.  
28 One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland OR 97204  
Telephone: 503/226-7391  
Facsimile: 503/228-9446

29 I declare under penalty of perjury under the laws of the State of California that the above is true  
30 and correct.

31 Executed on November 7, 2002, at San Francisco, California.

32   
33 NOELLE S. NICHOLS